

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD M. FRAZIER,)	CASE NO. 1:98 CV 2098
)	
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
STEPHEN HUFFMAN, Warden,)	ORDER
)	
)	
Respondent.)	

This matter is before the Court upon Respondent's, Stephen Huffman, Warden, "Motion to Terminate the Case Based on the Fulfillment of the Conditional Writ of Habeas Corpus." (Dkt. # 106).

On December 23, 1998, Petitioner, Richard Frazier, ("Frazier") sought a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The United States District Court for the Northern District of Ohio, Western Division, denied Frazier's petition, but granted him a certificate of appealability on all issues. (Dkt. #s 71, 72). The United States Court of Appeals for the Sixth Circuit reversed the district court's decision in part, granting Frazier a conditional writ of habeas corpus "that will result in the vacation of his death sentence unless the state of Ohio commences a new penalty-phase trial against him within 180 days

frm the date that the judgment in this mater becomes final.” (Dkt. #s 87, 89, 90). This case was transferred to the United States District Court for the Eastern Division on February 14, 2005. (Dkt. # 104). On January 19, 2007, Respondent, Stephen Huffman, Warden, (“Respondent”) filed the instant motion. In his motion, Respondent informs the Court that on March 18, 2005, the Cuyahoga County Court of Common Pleas conducted a new sentencing for Frazier in accordance with the Court’s conditional writ. (Dkt. # 106). The Cuyahoga County Court of Common Pleas sentenced Frazier to thirty years to life on each of the two aggravated murder counts, then merged the two counts and ran them concurrent to the ten years imposed for count three and consecutive to the sentence imposed by Medina County for the offense of rape. (Dkt. # 106).

As Frazier’s resentencing fulfills this Court’s conditional writ, this matter is hereby **TERMINATED** from this Court’s docket.

IT IS SO ORDERED.

/s/ Peter C. Economus – January 24, 2007
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE